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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA  
12 FRESNO DIVISION  
13

14  
15 PATRICIA MORENO,

16 Plaintiff,

17 v.

18 KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,  
19 Defendant.  
20

No. 1:20-cv-01503-SKO

STIPULATION AND ORDER FOR  
EXTENSION TO FILE DEFENDANT'S  
OPPOSITION TO PLAINTIFF'S  
OPENING BRIEF

(Doc. 19)

21 The parties stipulate through counsel that Defendant, the Acting Commissioner of Social  
22 Security (the "Commissioner"), shall have an extension of time to file her opposition to Plaintiff's  
23 opening brief in this case. In support of this request, the Commissioner respectfully states as  
24 follows:

25 1. Primary responsibility for handling this case has been delegated to the Office of  
26 the Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").

27 2. Defendant's response to Plaintiff's opening brief is due October 22, 2021.  
28 Defendant has not previously requested an extension of time for this deadline.

1           3.       The Region IX Office currently handles all district and circuit court litigation  
2 involving the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and  
3 Guam.

4           4.       The Region IX Office employs 44 staff attorneys, of whom 30 are actively  
5 handling civil litigation involving the Social Security program in the eight assigned jurisdictions.  
6 Most of the attorneys who handle program litigation cases have additional responsibilities, such  
7 as litigating in other practice areas described below, acting as Jurisdictional leads, reviewing the  
8 work product of junior attorneys, conducting trainings, and participating in national workgroups.  
9 In addition, because of attorneys taking unexpected leave or resigning, the Region IX Office has  
10 had to re-assign dozens of cases and substitute in new counsel who have had to absorb these re-  
11 assigned cases into their existing caseloads.

12           5.       As of September 14, 2021, the Region IX Office has 404 district court briefs due  
13 in the next sixty days in the jurisdictions it handles; at least 300 of these are due in the next thirty  
14 days. In addition, the Region IX Office has nine appellate cases pending for briefing.

15           6.       In addition to “program” litigation, the Region IX Office provides a full range of  
16 legal services as counsel for the Social Security Administration, in a region that covers four states  
17 (including the most populous state in the nation) and three territories. These other workloads  
18 include employment litigation; civil rights investigations; bankruptcy matters; and requests for  
19 legal advice on wide-ranging topics, including Regional office client requests for advice on  
20 program issues, employee conduct and performance, reasonable accommodation, hostile work  
21 environment, ethics, Privacy Act and disclosure, and torts. Because of the high volume of  
22 program litigation cases, the Region IX Office has had to focus its efforts on processing only  
23 other workloads that are subject to statutory, regulatory, and court deadlines.

24           7.       The undersigned of counsel attorney, who is responsible for briefing this case, has  
25 13 briefs due in district court cases over the next month, as well as well as absorbing the work of  
26 an attorney who recently left the agency and internally miscalendared this case in the turnover of  
27 their workload.

28           8.       Due to the volume of the overall workload within the Region IX Office, neither the

undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete briefing by the current due date of October 22, 2021. Therefore, Defendant seeks an extension of 7 days, until October 29, 2021, to respond to Plaintiff's opening brief.

9. This request is made in good faith and is not intended to delay the proceedings in this matter.

WHEREFORE, Defendant requests until October 29, 2021, to file her opposition to Plaintiff's opening brief.

Respectfully submitted,

DATE: October 21, 2021

/s/ Harvey P. Sackett

HARVEY P. SACKETT

Attorney for Plaintiff

(as approved via email)

PHILLIP A. TALBERT

Acting United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

DATE: October 21, 2021

By /s/ Chantal R. Jenkins

CHANTAL R. JENKINS

Special Assistant United States Attorney

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Bacilio Mendez II, CSBN 332719  
Assistant Regional Counsel  
Social Security Administration

ORDER

Pursuant to the parties' above stipulation (Doc. 19), IT IS HEREBY ORDERED that Defendant's response to Plaintiff's Motion for Summary Judgment shall be filed by no later than October 29, 2021. All other dates in the Scheduling Order (Doc. 15) shall be adjusted accordingly.

IT IS SO ORDERED.

Dated: October 22, 2021

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE